

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANGELO DIPIETRO,	:	
	:	04cr1110 (DLC)
Petitioners,	:	11cv1556 (DLC)
	:	
-v-	:	<u>ORDER</u>
	:	
UNITED STATES OF AMERICA,	:	
	:	
Respondent.	:	
	:	
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DENISE COTE, District Judge:


In an Opinion and Order dated March 29, 2021, the Court denied Angelo DiPietro's October 19, 2020 petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2255 (the "October 19, 2020 Petition"), which sought to vacate his conviction for violating 18 U.S.C. § 924(c). Despite the denial of the October 19, 2020 Petition, DiPietro and the Government agree that he must be resentenced on the § 924(c) conviction challenged in the October 19, 2020 Petition due to the vacatur of his prior § 924(c) conviction in another case. It is hereby

ORDERED that the parties shall confer regarding DiPietro's resentencing and by **April 12, 2021** advise the Court whether they wish to proceed with resentencing at this time, or whether any further proceedings as to DiPietro should be stayed pending the

resolution of any appeal from this Court's decision regarding the October 19, 2020 Petition.

SO ORDERED:

Dated: New York, New York
March 29, 2021



DENISE COTE
United States District Judge